

REMARKS

This reply is filed in response to the office action dated May 10, 2004.

Reconsideration of the application and the claims is respectfully requested.

Drawings

Fig. 2 is amended to include the reference numeral 200. Description to reference numeral 5 is added in the specification. Element 101 in Fig. 9 is amended to 102. Corresponding amendment in the specification has been made to refer to 102 instead of 101 in the description of Fig. 9.

Specification

The continuity data described in the first paragraph of the specification is amended as suggested in the office action. In addition, the specification is amended as suggested in the office action to include commas between multiple reference numerals.

Claim Objection

Claims 18 and 38 are amended as suggested in the office action.

Claim Rejections – 35 U.S.C. §112, second paragraph

Claim 6 was rejected under 35 U.S.C. 112, second paragraph.

Claim 6 is being amended to recite “or” terminology , held to be acceptable and not in violation of 35 U.S.C. 112, second paragraph. Applicants respectfully request that this rejection be withdrawn in favor of a claim objection. For instance, MPEP §2173.02 states, “[i]n reviewing a claim for compliance with 35 U.S.C. §112, second paragraph, the examiner must consider the claim as a whole to determine whether the claim apprises one of ordinary skill in the art of its scope and, therefore, serves the notice function required by 35 U.S.C. 112, second paragraph >by providing clear warning to others as to

what constitutes infringement of the patent<.” Applicants believe that claim 6 serves the notice function sufficiently to those skilled in the art even without the instant amendment. Accordingly, Applicants respectfully request that the rejections be changed to objections.

Claim Rejections – 35 U.S.C. §102(b), §103(a)

Claims 1-46 were rejected under 35 U.S.C. §102(b) as allegedly being anticipated by or, in the alternative, under 35 U.S.C. §103(a) as allegedly being obvious over Fletcher et al, U.S. Patent 4,045,359. Applicants respectfully traverse the rejection.

Fletcher et al. does not appear to extract “useful energy” in any way, for instance, as claimed in independent claims 1 and 20. Rather, Fletcher et al. directs the course of reactions and discards the energy as heat. Fletcher et al. explicitly provides that the main function of the particle is to act as an energy sink. Therefore, Fletcher et al. does not disclose, suggest, or teach every element claimed in independent claims 1 and 20, and by virtue of their dependencies, their respective dependent claims.

Double Patenting

With respect to the provisional double patenting rejections over co-pending co-owned applications, U.S. Patent Application Nos. 10/052,004; 10/185,086; 10/218,706; and the double patenting rejections over co-owned patents, U.S. Patent Nos. 6,114,620; 6,222,116; 6,268,560; 6,649,823; 6,678,305; 6,700,056, it is believed that the claims in the present application are not obvious over the claims recited in those applications and patents. Accordingly, Applicants respectfully request that the double patenting rejection be withdrawn.

Applicants have submitted on December 10, 2002, Information Disclosure Statement (IDS) with two references and PTO form SB08B. The Examiner has not yet

acknowledged that IDS. Applicants respectfully request that the Examiner consider and make of record the references cited therein. A copy of the post card receipt returned from the USPTO, acknowledging the receipt of that IDS on December 16, 2002 is enclosed along with the copies of the IDS submitted therein.

In addition to the patents and applications cited in the office action, Applicants request that the following applications, which have common assignee and common inventorship be considered and be made of record in this application: U.S. Patent Application No. 09/631,463; U.S. Patent Application No. 10/759,341, U.S. Patent Application No. 10/625,801.

With this reply, new claims 47-48 are being presented. All pending claims are believed to be patentable and a favorable Office Action is hereby earnestly solicited. If a telephone interview would be of assistance in advancing prosecution of the subject application, the Examiner is requested to telephone the number provided below.

Please charge any fee due associated with this reply to Deposit Account No.
02-0393.

Respectfully submitted,



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Attachments